

Exhibit C

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 07 CV6154

4 VIOLA PLUMMER,

5 Plaintiff

6 -against-

7 CHRISTINE QUINN, Speaker of the
8 City Counsel,

9 Defendant.

10 August 8, 2007
11 12:42 p.m.

12 100 Church Street
13 New York, New York

14 EXAMINATION BEFORE TRIAL

15 of VIOLA PLUMMER, the Plaintiff herein, held at the
16 above-noted time and place before Edith Tirado-Plaza, a
17 Notary Public of the State of New York, pursuant to Notice,
18 the Provisions of the CPLR pertaining thereto, and
19 stipulations between counsel.
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A P P E A R A N C E S

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BY: ERIC J. EICHENHOLTZ, ESQ.
FILE NO: 2007-021010

A L S O P R E S E N T:

ALVIN BRAGG, ESQ.
PAUL MARKS, ESQ.

1 F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED
by and between the counsel for the
respective parties hereto, that the
filing, sealing, and certification of the
within deposition shall be and the same
are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the
form of the question, shall be reserved
to the times of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn
to before this court.

* * * *

V. Plummer

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1 V I O L A P L U M M E R, having been first duly affirmed
2 by a Notary Public of the State of New York, upon being
3 examined, testified as follows:

4 EXAMINATION BY

5 MR. EICHENHOLTZ:

6 Q. State your name for the record.

7 A. Viola Plummer.

8 Q. What is your current address?

9 A. 189-14 117th Road, St. Albans, New York 11412.

10 Q. Good morning, Ms. Plummer.

11 A. Good morning.

12 Q. Sorry, good afternoon.

13 A. Right. I'm sorry.

14 Q. I should start by first thanking everyone for
15 their patience and cooperation today. We're getting
16 started really late through no fault of anyone in the room
17 but there was craziness with the subway and now we're all
18 here and ready to get started. So, it's correct, good
19 afternoon.

20 My name is Eric Eichenholtz. I'm an assistant
21 corporation council. I represent the speaker of the city
22 council, Christine Quinn, in a case that you have brought
23 against Ms. Quinn and I'm here today with my colleague Paul
24 Marks as well as Alvin Bragg from the city council.

25 Obviously you're here and next to you is Mr. Wareham and

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1 he's your attorney; correct?

2 A. Yes.

3 Q. I'm going to be asking you a series of questions
4 today about the lawsuit that you've brought against Speaker
5 Quinn as well as just some general questions about your
6 background and your employment with the city council.

7 A. Yes.

8 Q. Before I begin asking the questions, I just want
9 to go through basic deposition rules so that you're
10 familiar with them.

11 Have you ever been deposed before?

12 A. No.

13 Q. So, this is probably new to you. As you know,
14 you've just been administered an oath which you have
15 affirmed to tell the truth.

16 A. Right.

17 Q. So, your answers today will be subject to that
18 oath and it's the equivalent of testifying in a court
19 before a judge and jury.

20 A. Yes.

21 Q. After we're done here today the stenographer
22 will be typing up everything we say. It's important for
23 two reasons. One, and you're doing a great job so far
24 answering all questions with words instead of a-ha or, you
25 know gesturing, we all do that but it's a habit we have to

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1 break during a deposition. So, I would appreciate if you
2 do that.

3 A. Yes.

4 Q. The other thing is after we're done today you
5 will have an opportunity to review the deposition
6 transcript to check for errors in the transcription and
7 that will be provided to you through your attorney; okay?

8 A. Very good.

9 Q. It's important that you understand the questions
10 that I ask you today and give accurate answers. So, I want
11 you to keep in mind that if I ask you a question that you
12 do not understand, whether it's because you don't hear me
13 or it's just unclear to you, please let me know and I will
14 try to rephrase the question so that you hear it or you
15 understand it appropriately.

16 Also if you don't know the answer to a question,
17 please say so. Otherwise I'm going to assume that you
18 heard the question accurately and you're giving a complete
19 and accurate answer; okay?

20 A. Yes.

21 Q. If you need to take a break at any point -- I
22 know we discussed this briefly before off the record --
23 let me know. I ask if there's a question pending I ask you
24 to complete that question, but otherwise I'll try my best
25 to accommodate you and based on everyone's needs today

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1 we'll try to get through as quickly as possible.

2 A. Yes.

3 Q. So, we'll start off with some preliminary
4 questions regarding your fitness to testify today.

5 Have you taken any medication today,
6 prescriptions --

7 A. No.

8 Q. Any prescriptions or otherwise?

9 A. No.

10 Q. Any medication in the last week prescription or
11 otherwise?

12 A. No.

13 Q. Are you currently under a doctor's care for any
14 kind of illness or ailment that would prevent you from
15 testifying here today?

16 A. No.

17 Q. Is there any reason you can think of why you
18 would not be able to understand my questions or answer them
19 truthfully and accurately today?

20 A. None that I can think of.

21 Q. What, if anything, did you do to prepare for
22 your deposition today?

23 A. I think some time ago your office sent to my
24 attorney a series of questions and as I recall I answered
25 them.

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1 Q. Other than that, you haven't read any documents
2 or anything like that to prepare for today?

3 A. You mean during that time?

4 Q. Or up to -- I'm talking about just things you
5 maybe specifically did because you're being deposed today,
6 things that you might have looked at to refresh your memory
7 or something like that, looked at any documents or anything
8 like that.

9 A. No.

10 Q. Other than your attorney, did you speak with
11 anyone in order to prepare for your deposition today?

12 A. No.

13 Q. Have you had any alcoholic beverages within the
14 last twenty-four hours?

15 A. No.

16 Q. I'm going to start out by asking you a few
17 questions about your job with the city council and with
18 Council Member Barron. What was your job title at the city
19 council?

20 A. I was chief of staff to Council Member Charles
21 Barron.

22 Q. Is that the position you applied for?

23 A. Yes.

24 Q. How did you come to learn that the position was
25 open?

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1 A. Mr. Barron called me and asked would I be
2 interested in applying for the job. I knew it was open
3 because I knew Mr. Barron and I knew his former chief and I
4 knew his former chief had gone to Metgar Evers College.

5 Q. Who was that?

6 A. Paul Washington.

7 Q. Was there any sort of application process that
8 you had to go through in order to get the job?

9 A. I think when I came there was a series of
10 applications, you know.

11 Q. Was there an interview with Council Member
12 Barron or anything like that that you had to go through
13 before being appointed?

14 A. Yes, I had an interview with Councilman Barron
15 twice I believe.

16 Q. To your knowledge, was he considering any other
17 candidates for the position?

18 A. Not to my knowledge.

19 Q. If you can give me sort of a general description
20 of what was discussed at the interviews you had with
21 Council Member Barron.

22 A. Whether or not I knew or had any previous
23 working relationships with legislatures, with the council
24 members or any other state, federal legislatures.

25 Q. Do you remember sort of in general what you told

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1 Council Member Barron at those interviews?

2 A. I told Councilman Barron that I had been the
3 legislative aid to the head of the Health and Hospitals
4 Corporation. At that time it was Dr. John Hollerman.

5 Q. You said there was some paperwork that you had
6 to fill out. Was that before or after you were appointed
7 to the position?

8 A. I don't remember. Because it was done at the --
9 at 250 Broadway.

10 Q. That was actually going to be my next question.
11 Was it paperwork specific to Council Member Barron or was
12 this personnel paperwork that the city council has?

13 A. It was a personnel paperwork that the city
14 council has, yes.

15 Q. Why did you want to be Council Member Barron's
16 chief of staff?

17 A. Because I thought that the work that Councilman
18 Barron was doing particularly in the 42nd council district
19 was extremely important.

20 Q. Were you employed in any other position at that
21 time that you applied for Council Member Barron's chief of
22 staff position?

23 A. No.

24 Q. Were you ever specifically told either by
25 Council Member Barron or someone else what the requirements

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1 were for the chief of staff position?

2 A. No, not that I remember.

3 Q. I think we covered this a little, but what in
4 your view were your qualifications for the position of
5 chief of staff for Council Member Barron?

6 A. Well, I thought I was imminently qualified. I
7 had experience in associations with the federal, state and
8 local legislatures in that I worked for city agencies in
9 the past. I was also the legislative person that related
10 to local city officials when I was the state chairperson of
11 the NAACP.

12 Q. What city agencies did you work for?

13 A. The Community Development Agency, the Health and
14 Hospitals Corporation and HPD.

15 Q. What did you do for the Community Development
16 Agency?

17 A. I was the program analyst and program developer
18 subsequently.

19 Q. Why did you leave that position?

20 A. They were reducing -- that was during the war on
21 poverty and I think the agency was going through whatever
22 changes in terms of funding.

23 Q. So, was your position eliminated or something
24 else?

25 A. I believe it was.

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1 Q. What was your job at HHC?

2 A. At HHC I was the legislative aid to President
3 Hollerman.

4 Q. How long were you in that position?

5 A. Two years.

6 Q. Why did you leave that position?

7 A. Dr. Hollerman was asked to resign.

8 Q. And that was sort of a position that was unique
9 to him rather than something else?

10 A. Well, I had the option of staying because --
11 but --

12 Q. But decided against it?

13 A. I decided against it.

14 Q. And how about the position at HPD, what did you
15 do there?

16 A. At HPD I was housing -- a housing manager and a
17 trainer for tenants. It was for the MIP program.

18 Q. What's that?

19 A. The management in preparation for something.
20 What it was was the city owned properties that were being
21 rehabilitated and sold to tenants under the co-op -- I
22 can't remember the exact title.

23 Q. How long were you in that position?

24 A. I left in '84, '83, '82, '81. Four years
25 perhaps.

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1 Q. And why did you leave that position?

2 A. I was involved in a case and was asked to
3 resign.

4 Q. What do you mean you were involved in a case?

5 A. There was -- I was arrested in 1984 and
6 Commissioner Glideman (phonetic) prior to the -- you know,
7 end of the case asked that I resign.

8 Q. You mean prior to --

9 A. The adjudication of the case, yes.

10 Q. What were you arrested for?

11 A. I was arrested for --

12 MR. WAREHAM: Objection.

13 ME. EICHENHOLTZ: I have one or two questions
14 just to see what the outcome was.

15 MR. WAREHAM: Just note my objection to it.

16 ME. EICHENHOLTZ: I just want to know what it
17 was for and what the outcome was.

18 A. Conspiracy.

19 Q. What was the outcome of the case?

20 A. I was convicted of using my voter registration
21 card that had an old address on it.

22 Q. Was there a particular crime you were convicted
23 of? I understand that's the facts, but was there a
24 specific crime?

25 A. What was it called? It was something that was

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1 supposed to have been appealed, a bad fruit from the good
2 tree or whatever that was. I don't know what you call it,
3 but I heard that phrase.

4 Q. Do you remember what year that was that you were
5 convicted?

6 A. Convicted?

7 Q. Yes?

8 A. '85 I believe.

9 Q. The arrest was in '84?

10 A. Yes.

11 Q. Let me focus your attention now back to your
12 position as chief of staff to Council Member Barron. What
13 were your job duties in that position?

14 A. In that position the organization of the
15 district office, the development of the community
16 priorities that the councilmen would then codify and either
17 develop resolutions for or intros for.

18 Q. What is an intro?

19 A. An intro is a request for a law change.

20 Q. Did you have any other duties as chief of staff?

21 A. I attended the borough wide community board
22 meetings. I attended the community board meetings, five,
23 16, 17. I attended the stated meetings. I attended
24 hearings on higher ed, that's the -- Councilman Barron is
25 the chairperson of the higher education committee.

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1 Q. Anything else?

2 A. The resolutions and intros that the councilmen
3 had already put in prior to my coming. I went over and
4 those that he wanted to reintroduce, I prepared for them to
5 be reintroduced.

6 Q. Anything else?

7 A. Not that I remember.

8 Q. When you attended the community board meetings
9 or the borough wide meetings, did you represent or speak
10 for Council Member Barron at those meetings?

11 A. At the community board meetings, no. At the
12 borough wide meetings the borough president would send out
13 the agenda and ask for the councilman's support or lack
14 thereof and I would represent the councilman's vote at
15 those meetings, yes.

16 Q. Other than yourself and obviously Council Member
17 Barron, were there any other staff in Council Member
18 Barron's office?

19 A. Yes, Ms. Cooke. Now, which office? 250
20 Broadway?

21 Q. Let's start with that.

22 A. Yes, Ms. Cooke. She's a scheduler.

23 Q. How about at the --

24 A. At the district office?

25 Q. Yes.

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1 A. There's five people there.

2 Q. Who was there?

3 A. There is Kevin McCall, Joy Simons, Mel Faulkner,
4 Melinda Perkins and the young lady that's part time her
5 first name is Fatima. I don't know her last name.

6 Q. What are Kevin McCall's job duties?

7 A. Kevin McCall's duties are -- he is the liaison
8 for NYCHA, schools elementary through high school. He is
9 the community liaison between the district office and the
10 police department. He works with the youth organizations,
11 sports. You know who I forgot at the --

12 Q. At 250?

13 A. No, no, at the district office. Andre Mitchell,
14 sorry.

15 Q. So, going back to Joy Simons, what did she do?

16 A. Joy Simons special events, communications and
17 she works with schools pre-K through secondary I believe.

18 Q. And Mel Faulkner?

19 A. Seniors.

20 Q. Melinda Perkins?

21 A. Melinda works with Mr. Faulkner on seniors
22 particularly health.

23 Q. And Fatima?

24 A. Is the receptionist.

25 Q. And Andre Mitchell?

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1 A. Andre Mitchell is the deputy chief of staff and
2 the development officer.

3 Q. In your job duties as chief of staff, did you
4 ever have an occasion to interact with the media? Was that
5 part of your job?

6 A. No.

7 Q. Before you mentioned the stated meeting. What
8 is a stated meeting?

9 A. The legislative meeting of the council.

10 Q. I am assuming you're referring to the New York
11 City council?

12 A. Oh, yes.

13 Q. What occurs at the stated meeting generally?

14 A. Pardon me?

15 Q. What occurs generally?

16 A. What generally occurs is the presentation of --
17 well, the first part of the stated meeting is what's called
18 ceremonials where people are feated as community
19 representatives that have achieved important things for the
20 city. After that is the legislative session where bills
21 and resolutions are introduced.

22 Q. What happens during the legislative session?

23 A. During the legislative session the speaker reads
24 resolutions, the communications from the mayor and whatever
25 intros.

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1 Q. Is there any debate or voting held during a
2 stated meeting?

3 A. Yes, there's a vote. The debate sometimes is
4 during -- when a council member wants to explain his or her
5 vote and it's a debate.

6 Q. How long do they usually get to explain their
7 vote?

8 A. They usually get two minutes.

9 Q. That's while the vote is being taken?

10 A. Right, yes.

11 Q. What are your job responsibilities, if any, at a
12 legislative session of a stated meeting?

13 A. We generally get the agenda late, so that when
14 the sergeant at arms passes out the agenda, before the
15 session really starts, I look over the resos and the intros
16 to see ordinarily in terms of land use the council member
17 is a member of that committee so that he's familiar for the
18 most part of those but I look over them anyway. He asks
19 are we going to vote yes or no based on whatever
20 information I have about the particular items on the
21 agenda.

22 Q. How about during the meeting, do you have any
23 responsibilities while the voting and the explanations of
24 the votes and all of that is going on?

25 A. No.

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1 Q. Now, I think you mentioned this before but since
2 you've become Council Member Barron's chief of staff, have
3 you attended committee meetings of city council meetings?

4 A. Higher ed and I attended a hearing but those are
5 the only two.

6 Q. A hearing for which committee?

7 A. A hearing for the civil rights and safety
8 committee.

9 Q. Now, first I'd like to focus on your attendance
10 at the higher ed committee. I think you mentioned earlier
11 that Council Member Barron is the chairperson of that
12 committee.

13 A. Yes.

14 Q. Do you have any responsibilities during those
15 committee meetings?

16 A. I take notes.

17 Q. Do you participate in any way other than taking
18 notes?

19 A. No.

20 Q. And you also said you attended a hearing of the
21 civil rights and safety committee?

22 A. Yes.

23 Q. Is that one committee or two separate
24 committees?

25 A. Well, it's two separate. They have a joint

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1 hearing.

2 Q. Do you remember when the joint hearing was?

3 A. No.

4 Q. Do you know what the topic was?

5 A. The police commissioner was reporting on -- he
6 was supposed to submit some information around racial
7 profiling.

8 Q. So, what was discussed at that particular
9 hearing?

10 A. The commissioner's submission I think it was the
11 current years submission, but the previous years that the
12 council was interested in those -- that wasn't -- he wasn't
13 prepared to submit that at that point.

14 Q. So, how did the meeting go? Did people testify?
15 How did that work?

16 A. The commissioner was the only one and his aid
17 was the only one testifying. The council members asked the
18 commissioner different questions.

19 Q. Now, I think we just discussed these are two
20 separate council committees?

21 A. Yes.

22 Q. The civil rights committee, Council Member
23 Seabrook is the chairman of that committee?

24 A. Yes.

25 Q. The public safety committee, Council Member

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1 Vallone is the chairman of that committee?

2 A. Yes.

3 Q. Do you know if either of them was chairing the
4 joint hearing?

5 A. I don't remember Seabrook. Oh, I'm sorry. I
6 was sitting closer to Vallone. I don't remember -- I think
7 he was there. I'm sure he was there.

8 Q. Were you in the audience?

9 A. Yes, I was in the audience.

10 Q. Do you remember if you were in the front row?

11 A. The front row.

12 Q. Did you participate in the meeting in anyway?

13 A. No.

14 Q. Did you ever say anything during that joint
15 meeting hearing?

16 A. I probably said a (making noise).

17 Q. Like a gasp?

18 A. Yes.

19 Q. Anything other than gasping?

20 A. Not out loud, no.

21 Q. Why did you gasp?

22 A. Well, police Council Member James was asking
23 Commissioner Kelly questions about transparency in terms of
24 information, etcetera. Whereupon he was quite annoyed and
25 he leaned forward in his seat and he pointed his finger at

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1 her and he said to her you did not say that in private. We
2 had private conversations, you didn't say that then. So,
3 why are you asking that now -- and I'm paraphrasing because
4 I don't remember the exact words -- and that's when I said
5 wow.

6 Q. That's when you should say you were gasping?

7 A. Yes.

8 Q. Other than the gasp, that was it, nothing else?

9 A. No.

10 Q. Do you remember -- I think I may have asked you
11 this. Do you remember when that meeting was? Was it this
12 year, like 2007?

13 A. I think so. I think it was this year.

14 Q. Do you remember if it was in January?

15 A. I don't remember.

16 Q. At that meeting did you ever speak in a loud
17 voice?

18 A. Not that I remember.

19 Q. Do you remember at any point whether Council
20 Member Vallone addressed you in any way?

21 A. I remember looking at Councilman Vallone and
22 trying to read his lips and I subsequently asked him was he
23 talking to me and he never responded.

24 Q. When did you have a chance to ask him?

25 A. He was leaving the podium. He passed me as he

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1 was leaving.

2 Q. He was walking out and what did you ask him?

3 A. Was he speaking to me.

4 Q. What happened?

5 A. He just (indicating).

6 Q. Just kept walking?

7 A. Walked right away.

8 Q. Did you ever have another opportunity to talk
9 with Council Member Vallone?

10 A. No.

11 Q. You said that you were trying to read his lips.
12 What was he saying?

13 A. It appeared to me that he was saying out or
14 something like that.

15 Q. You said he was looking at you at that point?

16 A. Yes, he was looking at me.

17 Q. And that's why you asked him later whether --

18 A. Was he talking to me, yes.

19 Q. But did you ever yell or shout during that
20 hearing?

21 A. No.

22 Q. Why were you attending that meeting,
23 specifically that hearing?

24 A. Councilman Barron was there. There was this
25 issue in our community around racial profiling and we had

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1 received a report from the Civilian Complaint Review Board
2 and our district had one of the highest increases in
3 civilian complaints and the councilman was interested in
4 the commissioner's presentation and report, etcetera,
5 etcetera.

6 Q. Was the councilman sitting at the hearing or was
7 he --

8 A. No.

9 Q. -- like in the audience?

10 A. No, he was sitting at the hearing.

11 Q. So, he was part of the hearing?

12 A. Yes.

13 Q. And did he have an opportunity to ask questions
14 of the witnesses?

15 A. Oh, yes.

16 Q. To your knowledge, did he ever speak with Peter
17 Vallone about what he may have been saying to you?

18 A. I have no idea.

19 Q. Now I'd look to sort of turn away from your city
20 council position and go back to some general background
21 questions just so we have them on the record.

22 Earlier you stated your full name to the court
23 reporter, Viola Plummer. Is that your full name?

24 A. Yes.

25 Q. Is that the name as it appears on your birth

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1 certificate?

2 A. On my birth certificate it's Viola Elizabeth
3 Holloway.

4 Q. Is Viola Plummer your married name?

5 A. Yes.

6 Q. Have you ever been known by any name other than
7 Viola Holloway or Viola Plummer?

8 A. You mean nicknames? I've had a number of --

9 Q. Of nicknames?

10 A. Of different names that people call me.

11 Q. Names that you've used just sort of in
12 identifying yourself?

13 A. Names that I've used?

14 Q. Yes.

15 A. Oh, no, I identify myself as Viola, right.

16 Q. And have you ever used the name June?

17 A. Have I used it?

18 Q. Yes.

19 A. Or have people called me that?

20 Q. Have you ever used it?

21 A. I don't use it, no. People call me that.

22 Q. Where were you born?

23 A. South Jamaica.

24 Q. Jamaica Queens or --

25 A. Jamaica Queens, yes.

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1 Q. And when were you born?

2 A. I was born February 16, 1937 and there's this
3 discrepancy. I had a sister that was born February 27,
4 1935. We had the same doctor. The doctor filed both birth
5 certificates at different points. At one point he filed
6 them and we were both born on the same day in the same year
7 and then he filed one that where I was born on the 27th,
8 but I was born on the 16th and so that's the discrepancy.

9 Q. The 16th is your official date of birth?

10 A. Yes.

11 Q. That's when you were actually born?

12 A. Yes.

13 Q. Who called you June by the way?

14 MR. WAREHAM: Objection. What's the relevance?

15 ME. EICHENHOLTZ: Well, we're allowed to know
16 under what circumstances the plaintiff may have been
17 referred to under other names.

18 MR. WAREHAM: Objection to form.

19 A. Who called me June?

20 Q. Yes.

21 A. Father Lukas. Oh, my goodness. Father Lukas,
22 my husband sometimes. Who else really calls me June?
23 Sometimes Abudika -- when Sonny Carson was alive.

24 Q. It's okay. You don't have to change the answer.
25 When the court reporter asks you, you have to provide a

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1 spelling. So, she probably just needs to know how to spell
2 Abudika. If you want to actually spell it for her.

3 A. A-B-U-D-I-K-A.

4 Q. Anyone else other than those individuals?

5 A. I'm sure. I am sure.

6 Q. I know this is fairly obvious, but are you a
7 U.S. citizen?

8 A. I was born in South Jamaica, Queens. My mother
9 and father were born in South Carolina. However, the
10 question of citizenship is one that the U.S. constitution
11 had to resolve partially.

12 Q. What do you mean the constitution had to resolve
13 it?

14 A. I mean that the constitution allowed Africans
15 that were enslaved here to quote be free. However, it took
16 until I think 1964 when one of the civil rights that people
17 born in this country were supposed to have, one including
18 the right to vote without the infringements that we
19 suffered -- our parents suffered practically their entire
20 lives.

21 Q. Do you identify yourself currently as a U.S.
22 citizen?

23 A. Identify myself as being born in the United
24 States. My parentage in the United States.

25 Q. But do you consider yourself a citizen?

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1 A. See, I don't understand consider --

2 MR. WAREHAM: I have an objection to the
3 question. You asked her and she answered.

4 ME. EICHENHOLTZ: I'd like some clarification
5 so I ask if the witness will clarify it I would appreciate
6 it.

7 Q. I'm just asking you --

8 A. If I would clarify?

9 Q. Yes or no whether you currently consider
10 yourself a U.S. citizen?

11 A. Yes, under my definition.

12 Q. When you say your definition, is that what you
13 just discussed with us previously?

14 A. Yes.

15 Q. What is your Social Security number?

16 A. 111-28-0800.

17 Q. Have you ever used any other Social Security
18 number?

19 A. No.

20 Q. Are you married?

21 A. Widowed.

22 Q. What was your spouse's name?

23 A. James Edward Plummer.

24 Q. How long were you married to Mr. Plummer?

25 A. 43 years.

V. Plummer

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1 Q. Do you have any children?

2 A. I had four. My eldest daughter is deceased.

3 Q. Where do you currently live?

4 A. St. Albans, 189-14, 117th Road, St. Albans, New
5 York 11412.

6 Q. Does anyone live there with you?

7 A. My daughter and my granddaughter.

8 Q. Is it a house or an apartment?

9 A. Yes, it's a house.

10 Q. Do you own it?

11 A. Mortgage, yes.

12 Q. So, you pay a mortgage?

13 A. Yes.

14 Q. Do you pay mortgage or does your daughter?

15 A. Well, I have what's called a reverse mortgage.

16 Q. How does that work?

17 A. That works that I pay the interest and at the
18 time where I am either incapacitated or dead the bank sells
19 the house and gets the remaining mortgage and that's how
20 that goes.

21 Q. And they own it at that point?

22 A. Yes.

23 Q. Have you lived at any other addresses in the
24 past five years?

25 A. Five years? No.

V. Plummer

30

1 Q. How long have you lived in the house?

2 A. Since 1969.

3 Q. What was the highest level of education you
4 achieved?

5 A. College.

6 Q. When did you graduate from college?

7 A. I went to city '54 -- off and on. I didn't get a
8 degree from City College or Queens College for different
9 things.

10 Q. Did you graduate?

11 A. No.

12 Q. But you took course work?

13 A. Yes.

14 Q. Was there any sort of specialization in the
15 course work that you took?

16 A. Math.

17 Q. Do you know about how many college credits you
18 have?

19 A. About 120, something like that. 116.

20 Q. Do you have any professional licenses of any
21 kind?

22 A. No.

23 Q. Have you ever served in the U.S. military?

24 A. No.

25 Q. Have you ever received unemployment benefits?

V. Plummer

31

1 A. Yes.

2 Q. When did you receive unemployment benefits?

3 A. Somewhere in the '60s. I'm not really sure.

4 Q. Do you remember how long you were earning them?
5 If you don't remember, just say you don't remember.

6 A. I don't remember.

7 Q. Have you ever received disability or Workers'
8 Comp benefits?

9 A. No.

10 Q. How about Welfare or public assistance?

11 A. No.

12 Q. Other than I believe you mentioned earlier being
13 convicted in 1985, have you ever been convicted of a crime?

14 A. No.

15 Q. Have you ever been a witness at a trial in court
16 at any point other than the proceeding that we described in
17 1984 and 1985?

18 A. I think so, yeah. A witness, yes.

19 Q. When were you a witness at a trial other than
20 the 1984 or 1985 criminal trial?

21 A. What year was that? I don't know. In the mid
22 '80s.

23 Q. Why were you in court?

24 A. I was I believe a character witness.

25 Q. Now I'm going to direct your attention to May

V. Plummer

32

1 30, 2007.

2 A. Alas.

3 Q. Was there a stated meeting of the city council
4 on that day?

5 A. Yes, there was.

6 Q. And did you attend that stated meeting of the
7 city council?

8 A. Yes, I did.

9 Q. Do you remember where you were sitting?

10 A. I was sitting on the floor to the left-hand side
11 just beneath Thomas Jefferson's statue.

12 Q. And where in relation to the council members
13 were you sitting?

14 A. Well, I sit -- Councilman Barron -- there's the
15 rope, Councilman Barron sits to my right, so we're --

16 Q. Where does Council Member Barron sit in relation
17 to the other council members?

18 A. He sits in the front row last seat on the left.

19 Q. About how many rows are there?

20 A. Oh, I don't know.

21 Q. Do you remember what you were wearing that day?

22 A. No, I don't.

23 Q. Do you remember if you were wearing a hat at the
24 meeting?

25 A. At the meeting?

V. Plummer

33

1 Q. Yes.

2 A. I don't remember.

3 Q. Is there anything that might refresh your memory
4 on that?

5 A. As to whether or not I was wearing a hat?

6 Q. Yes, or just what you were wearing that day in
7 general.

8 A. No, not unless I saw a picture.

9 Q. Right, of yourself that day.

10 A. Yes.

11 Q. And I think earlier we described your job duties
12 with Council Member Barron in a meeting. Did you perform
13 your job duties with him on that day in terms of --

14 A. Yes, yes.

15 Q. What did you do with Council Member Barron that
16 day?

17 A. We looked over the agenda and there was to be
18 from the speaker -- or there was to be the presentation of
19 the omnibus package of street name changes and at that
20 point there was to be an amendment to the package by
21 Councilman Vann.

22 Q. And what was the purpose of that amendment?

23 A. The speaker had removed Sonny Carson's name from
24 the package.

25 Q. I should probably back up a minute and ask you

V. Plummer

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1 what's the process for etting someone's name in the street
2 renaming package.

3 A. The community group gets a number of petitions
4 signed. Those petitions are then presented to the
5 transportation committee of the community board. The
6 transportation committee then submits them to the community
7 board. If the community board favors, it then asks for the
8 council members signature and it's then submitted to the
9 city council.

10 Q. Now, you mentioned the amendment that Council
11 Member Barron was proposing.

12 A. Yes.

13 Q. What street was being renamed and after who?

14 A. There were four blocks in Bedford Stuyvesant,
15 Gates Avenue to be co-named Sonny Carson.

16 Q. And that proposal had gone through this process
17 you just described?

18 A. Yes.

19 Q. Were you involved in that process at all?

20 A. No, I knew about it because of Abudika, but, you
21 know, the community was involved in that.

22 Q. By Abudika you mean Sonny Carson?

23 A. I mean Sonny Carson.

24 Q. How did your knowledge of Sonny Carson allow you
25 to know about the proposal to rename the street?

V. Plummer

35

1 A. Ask me that again.

2 Q. I had asked you were you involved in the
3 proposal and I believe you said no but you knew about it,
4 you knew Abudika so I'm asking you -- let me make this a
5 little easier. How did you come to know about the proposal
6 to rename the street after Sonny Carson?

7 A. I work in Brooklyn and -- I work in all of
8 Brooklyn. I worked in Brooklyn for so many years. I mean
9 when Sonny Carson passed away, I did attend his funeral.
10 He was a very, very close comrade, friend and colleague of
11 mine. At the funeral after the borough president Marty
12 Markowitz gave this glowing tribute to Sonny Carson, the
13 group -- there's a group called the -- there was a group
14 that worked in Brooklyn that was present. I think his son
15 who subsequently passed away was a part of a group, but in
16 any event, that it became we should name a street for Sonny
17 Carson and what would the process be and since Sonny Carson
18 had been involved in street name changes in Brooklyn for
19 Marcus Irving, for Malcolm X and for Harriet Tubman, the
20 process was known to the group.

21 Q. I'd like to direct your attention back to the
22 May 30, 2007 meeting. Generally, did you at any point speak
23 during the meeting?

24 A. Yell, yes.

25 Q. And when did you yell?

V. Plummer

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1 A. When Christine Quinn began to say many things
2 about Sonny Carson that was not true and I yelled liar and
3 then when the vote was being explained another member of
4 the council stood up and again told one of the most
5 horrendous stories that I had ever heard and I yelled
6 you're lying.

7 Q. Do you remember which council member that was?

8 A. I believe it was Nelson. Council Member Nelson.

9 Q. At any other point did you yell during the
10 meeting other than those two times?

11 A. No.

12 Q. When you yelled liar, did you yell liar during
13 Council Member Quinn's speech I'm talking about now?

14 A. Yes.

15 Q. Did you yell liar while Speaker Quinn was still
16 talking?

17 A. I don't know. I would have had to have heard
18 her tell the lie before I could say liar.

19 Q. Right, I understand, but do you remember whether
20 you waited until after she was done or whether you
21 interrupted?

22 A. I don't remember. It was raucous.

23 Q. When you say it was raucous, what do you mean?

24 A. There were people in the balcony who had come
25 there and it was noisy.

V. Plummer

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1 Q. Do you remember when you yelled whether there
2 was noise coming from the balcony or whether other people
3 other than maybe a council member were talking?

4 A. Perhaps.

5 Q. As you sit here today, do you know whether or
6 not there was noise coming from the balcony when you yelled
7 liar?

8 A. I'm sure there was. I'm sure.

9 Q. During Christine Quinn's speech I'm talking
10 about now.

11 A. Yes.

12 Q. In terms of during council member I believe you
13 said it was Nelson's speech?

14 A. Right.

15 Q. You yelled you're lying, did you yell you're
16 lying while Council Member Nelson was still speaking?

17 A. Yes.

18 Q. Did you believe it was appropriate to interrupt
19 or to yell liar while a council member was speaking?

20 A. Well, see, here again the question of whether or
21 not one sits in any situation does one have the right to
22 sit and witness something that's not true and be quiet or
23 witness something that's not true and state it?

24 Q. So, are you saying you believe that interrupting
25 the council member in that situation is appropriate?

V. Plummer

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1 A. I don't think that's the question. I don't
2 think the question is whether or not I think it was
3 appropriate. What I think was inappropriate was the lie.

4 Q. Right, the question I'm asking you --

5 A. And the answer I'm giving you.

6 Q. I understand the answer you're giving me, but I
7 really need a yes or no answer to the question. Is it
8 something that you feel was appropriate?

9 A. I can't answer that question yes or no.

10 Q. Then how can you answer the question?

11 A. That I believe it was inappropriate for -- from
12 the very beginning I thought it was inappropriate to take
13 Sonny Carson's name out of the package. I subsequently
14 thought it was inappropriate to say the kinds of things
15 that was being said about a person who was dead, who
16 verification -- the statement verifications was the
17 newspapers out of quote out of newspapers. I thought it
18 was highly inappropriate. I also thought that given my
19 understanding of the process and procedures of the council
20 this had never happened in the history of the council.

21 Q. By this you're referring to the street name?

22 A. By taking Sonny Carson's name out of the
23 package.

24 Q. Let me just make sure I have this correct. What
25 you seem to be saying is that the inappropriate conduct in

V. Plummer

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1 your view of the counsel member justified your speaking
2 out?

3 A. I'm not saying --

4 Q. Or yelling?

5 A. I'm not saying justified. I'm saying that the
6 process was inappropriate and I think that it is incumbent
7 -- and appropriate is always whoever is defining the word.
8 I thought it was incumbent not to witness those things that
9 were not true.

10 Q. Do you remember whether you said anything else
11 during the meeting?

12 A. I don't know. I don't think so.

13 Q. Do you remember whether you said anything while
14 Council Member D'Blasio was speaking?

15 A. D'Blasio?

16 Q. Yes.

17 A. Oh, I didn't -- I don't remember.

18 Q. How about Council Member Koppel?

19 A. I think that was -- I don't remember.

20 Q. Do you remember saying anything other than
21 that's a lie or you're a liar?

22 A. I don't remember.

23 Q. Do you remember using the word cracker at any
24 point?

25 A. I know that's one word that I use when I'm quite

V. Plummer

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1 angry, yes.

2 Q. But my question is is it a word that you used at
3 that meeting?

4 A. I don't know. I don't remember.

5 Q. I think we already covered this. Why did you
6 yell?

7 A. Because I believe they were assassinating the
8 character of a person who had dedicated his entire life to
9 the quality of life for black people.

10 Q. Do you know who Carl D'Alba is?

11 A. Yes, I do.

12 Q. Who is Carl D'Alba?

13 A. Sergeant of arms or the chief of the sergeant of
14 arms.

15 Q. He has like a security function at the council?

16 A. Yes.

17 Q. Do you know what his security function is, like
18 what he does?

19 A. He's a security person. I mean if I understand
20 you, what he does is he's a security council -- I mean he's
21 a security person at the council.

22 Q. Did you have any interaction with Mr. D'Alba at
23 the May 30, 2007 meeting?

24 A. No.

25 Q. At any point during the meeting, did Mr. D'Alba

V. Plummer

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1 ever tell you that you have to be quiet?

2 A. Tell me?

3 Q. Yes.

4 A. No, he did not.

5 Q. Did you ever hear Mr. D'Alba tell anyone at that
6 meeting to be quiet?

7 A. Yes.

8 Q. Who did he tell?

9 A. I heard either he or Betsy Gotbaum say quiet,
10 quiet.

11 Q. Before we discuss that hearing you had went to
12 with Council Member Vallone and you had talked about
13 Council Member Vallone had sort of looked at you and seemed
14 to be saying something.

15 A. Right.

16 Q. Do you recall at that time where Carl D'Alba
17 ever looked at you when he said be quiet or looked in your
18 direction?

19 A. May 30th?

20 Q. Yes, may 30th.

21 A. No, I don't.

22 Q. You mentioned Betsy Gotbaum. Who is that?

23 A. She is the public advocate and the presiding
24 officer at the stated meeting.

25 Q. What is your understanding of Ms. Gotbaum's role

V. Plummer

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1 at the stated meeting?

2 A. That she's a presiding officer and she calls --
3 well, presiding officer.

4 Q. What does she do?

5 A. She calls the meeting to order. She asks for
6 the vote. She asks for the tally of the vote. She takes
7 the attendance. She runs the meeting.

8 Q. I believe you stated that Ms. Gotbaum was saying
9 be quiet at certain points in the meeting.

10 A. Yes.

11 Q. Before you mentioned certain occasions where you
12 yelled during the meeting. Was that before or after Ms.
13 Gotbaum asked everyone to be quiet?

14 A. I don't remember. I don't know.

15 Q. When Ms. Gotbaum asked for quiet, did she ever
16 look at you?

17 A. No.

18 Q. Did she ever look in your direction?

19 A. Not to my knowledge.

20 Q. Do you remember Ms. Gotbaum saying at any point
21 during the meeting quote "I'm going to have you removed"?

22 A. No.

23 Q. Now, earlier you mentioned you were yelling. Do
24 you believe that Council Member Barron heard you yelling
25 during that May 30, 2007 meeting?

V. Plummer

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1 A. I'm sure he did.

2 Q. Why is that?

3 A. He was there.

4 Q. When you say there, where was he in relation to
5 you?

6 A. He was sitting in his regular seat which is the
7 first row last seat.

8 Q. Did you ever talk with Council Member Barron at
9 any point about yelling at the May 30, 2007 stated meeting?

10 MR. WAREHAM: Can you reask that question?
11 Talked with him when, where?

12 Q. After the meeting -- let's start May 30, 2007,
13 did you talk with him on that day?

14 A. I talked to the councilman on that day, yes.

15 Q. About your yelling at the meeting, did you talk
16 with him on May 30th about that?

17 A. Did I talk to him? I don't remember. I don't
18 even understand the question.

19 Q. Let me try to make it a little broader and maybe
20 we'll try to work in. At any point have you spoken with
21 Council Member Barron about the May 30th meeting and
22 specifically your yelling at the meeting? Has that ever
23 come up in conversation between yourself and Council Member
24 Barron?

25 A. I'm sure it has.

V. Plummer

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1 Q. Do you remember when it came up in conversation?

2 A. No.

3 Q. Do you remember generally what the substance of
4 your conversations were?

5 A. The substance of the conversation was about --

6 MR. WAREHAM: I'm just -- it's a hearsay
7 objection in here someplace.

8 ME. EICHENHOLTZ: We're at a deposition.

9 A. About the May 30th meeting, about taking Sonny
10 Carson's name out of the package.

11 Q. No, I'm asking specifically about your yelling
12 in the meeting.

13 A. No.

14 Q. You never had a conversation with the council
15 member specifically about your yelling in the meeting?

16 A. No.

17 Q. It was never brought up in conversation at any
18 point?

19 A. I'm sure it was. I don't remember.

20 Q. You don't remember any details of any
21 discussions you had with him concerning your yelling at the
22 May 30th meeting?

23 A. I don't remember, you know. I'm sure we've had
24 discussions.

25 Q. Did Council Member Barron ever indicate to you

V. Plummer

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1 that he approved of your yelling at the May 30th meeting?

2 A. No.

3 Q. Did he ever reprimand you in any way for yelling
4 at the May 30th meeting and by he I should say Council
5 Member Barron?

6 A. Reprimand me? No.

7 Q. There came a time obviously where you left the
8 May 30, 2007 stated council meeting; right?

9 A. When it was over, yes.

10 Q. Was it when it was over or did you leave before
11 it ended, if you remember?

12 A. I know I left after the vote on the street name
13 changes.

14 Q. And where did you go after you left?

15 A. Out into the courtyard.

16 Q. When you say courtyard, the courtyard in front
17 of City Hall?

18 A. The courtyard in front of City Hall.

19 Q. So, it's outside the building we're talking
20 about?

21 A. Yes, there's a park area.

22 Q. Do you remember whether you were in the park or
23 on the pavement in front of City Hall?

24 A. Well, it's paved. It's paved so what do you
25 mean the pavement in front of it?

V. Plummer

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1 Q. There's like --

2 A. You mean across the street in City Hall park?

3 Q. Yes.

4 A. No, I was not there.

5 Q. So, you were in the area in front of City Hall?

6 A. Right.

7 Q. And what, if anything, happened outside of City
8 Hall?

9 A. Most of the people who had come to witness the
10 session about the street name changes came out and was
11 asking what had happened, how did the vote go, etcetera,
12 etcetera, etcetera, and I was summing up to them how the
13 vote went.

14 Q. Now, you said that you were summing up. Why was
15 it that you specifically were summing up?

16 A. Well, because I'm in that community, one of the
17 people who was really very close to Sonny Carson and knew I
18 suppose more about what was happening and the process.

19 Q. Would you consider yourself a respected member
20 of the community?

21 A. Absolutely.

22 Q. Do you think that when you talk on a topic like
23 Sonny Carson, that the members of the community pay
24 attention to what it is you're saying?

25 A. Pay attention, yes.

V. Plummer

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1 Q. Now, when you summed up as you put it, what did
2 you say?

3 A. I talked about the vote. I talked about the
4 disappointment, particularly the disappointment that Leroy
5 Comrie who is supposed to be in some kind of leadership
6 inside the city council who had said that he would support
7 the amendment, who abstained and in my summation -- which
8 is what I really want to get to -- I said that I knew that
9 Leroy Comrie would never -- was considering running for the
10 borough presidency of Queens and that he would never be the
11 borough president of Queens or the borough in which I live
12 if I had anything to do with it. I've heard everything
13 everybody said I said, but my recollection of what I said
14 was even if we had to assassinate his political (clicking
15 noise).

16 Q. I know the word is not entirely appropriate but
17 can you tell me the complete comment?

18 A. Ass.

19 Q. I don't want to have to make you say it.

20 A. It's cool.

21 Q. You specifically recall using the word political
22 in that comment?

23 A. Yes, I do.

24 Q. Who was present when you said that comment?

25 A. You mean all the people that were standing

V. Plummer

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1 around?

2 Q. How about reporters, were there any reporters
3 there?

4 A. Two that I know of, one Rivera from The New York
5 Times and Carla from Newsday.

6 Q. Other than the two reporters, was there anyone
7 there that you specifically remember being there?

8 A. Other reporters?

9 Q. Any other people other than the two reporters.
10 As I understand what you're saying, you're saying there was
11 a group of people there?

12 A. A lot of people, yeah.

13 Q. I'm just asking from your recollection do you
14 recall anyone else other than the two reporters who were
15 specifically there? Obviously you're not going to know
16 every person in a large group of people.

17 A. Oh, there was a lot of people there. I mean
18 there were so many people there.

19 Q. But I'm saying any names that you can think of,
20 people specifically who you remember being there?

21 A. The names of them? No, it was -- no.

22 Q. Did you ever make the statement and this is --
23 I'll just say it to you in reference to Council Member
24 Comrie, "if it takes an assassination of his ass he will
25 not be borough president in the borough where I live"?

V. Plummer

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1 A. Say that again.

2 Q. Did you ever make this statement in reference to
3 Council Member Leroy Comrie, "if it takes an assassination
4 of his ass he will not be the borough president in the
5 borough where I live"?

6 A. And my recollection of that statement was
7 political ass and I know the blog in somewhere else said
8 something different, but that's my recollection.

9 Q. You understand you were quoted as that --

10 A. And my recollection and intent --

11 Q. And you know --

12 A. Fine, fine.

13 Q. Just so the record is clear you know you were
14 quoted as the comment -- withdrawn.

15 You understand that you were quoted with the
16 comment I just read to you in my last question?

17 A. Yes.

18 Q. Do you remember outside City Hall that day ever
19 making the statement when you were outside -- withdrawn.

20 When you were outside City Hall on May 30, 2007
21 after the stated meeting, did you ever make the statement
22 "before I hurt, step on, push down, punch a black man they
23 are first on the list"? Do you recall making that
24 statement?

25 A. Say that again.

V. Plummer

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1 Q. I will ask it again. When you were outside City
2 Hall making comments after the May 30, 2007 stated meeting
3 during the summation, did you ever make the following
4 statement, "before I hurt, step on, push down, punch a
5 black man they are first on the list"?

6 A. Did I make that when?

7 Q. On May 30, 2007.

8 A. No.

9 Q. Did you make that statement thereafter
10 referring --

11 A. Many times.

12 Q. Do you remember ever making that statement in
13 connection with commenting on the earlier remark you had
14 made about Leroy Comrie?

15 A. Specifically?

16 Q. At some point obviously and many times you've
17 been asked what your remarks were with respect to Council
18 Member Comrie?

19 A. Yes.

20 Q. At any point when you were explaining your
21 remarks with respect to Council Member Comrie, did you make
22 the statement "before I hurt, step on, push down, punch a
23 black man they are first on the list"?

24 A. No, I don't talk like that.

25 Q. Did you on May 30, 2007 after the stated meeting

V. Plummer

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1 make the statement "so to assassinate Leroy Comrie's ass
2 that's what I said means his whole stuff, his whole run for
3 Queens borough president, his whole get the people to
4 support him"?

5 A. Is that paraphrasing or a quote?

6 Q. I'm quoting starting with so to and if you want
7 I'll read it to you again.

8 A. Read it.

9 Q. The statement is do you remember making the
10 statement, quote "so to assassinate Leroy Comrie's ass
11 that's what I said, means his whole stuff, his whole run
12 for Queens borough president, his whole get the people to
13 support him"?

14 A. Yes.

15 Q. Again, when you use the word assassinate in
16 reference to Council Member Comrie, what is it that you
17 meant?

18 A. His political career.

19 Q. But the word itself assassinate, what did you
20 want to do to his political career?

21 A. Prevent him from becoming the borough president
22 of Queens because that's what I interpreted his next career
23 move to be.

24 ME. EICHENHOLTZ: Off the record.

25 (Discussion held off the record.)

V. Plummer

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1 MR. EICHENHOLTZ: Mark this as Defendant's
2 Exhibit A for identification.

3 (Whereupon, an audio CD was marked as
4 Defendant's Exhibit A for identification.)

5 Q. We're back on record. Ms. Plummer I'm about to
6 play for you an audio recording and we've marked the CD rom
7 that contains the audio recording as Defendant's Exhibit A
8 for identification. I ask you to listen to this recording
9 and when it's done I'll have a couple of questions on it
10 for you; okay?

11 A. Yes.

12 Q. I'm about to begin the recording.

13 (Whereupon, recording playing.)

14 Q. Having listened to that audio recording, do you
15 recognize your voice on that recording?

16 A. Yes.

17 Q. Do you know when that recording was made? Let
18 me ask you this a better way. Do you remember when you
19 made the specific comments that appear on this recording?

20 A. I don't remember, no.

21 Q. Do you remember making the comment?

22 A. Absolutely.

23 Q. And what was the purpose of these comments that
24 you were making?

25 A. I believe in response to something or

V. Plummer

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1 explanation of who Sonny Carson was.

2 Q. And was that you on the recording who makes that
3 statement "before I hurt, step on, push down, punch a black
4 men they are first on the list"?

5 A. Yes.

6 Q. Who is they referring to?

7 MR. WAREHAM: You want to listen to it again?
8 I think in the context --

9 THE WITNESS: Okay.

10 Q. We can listen to it again. I have no
11 problem.

12 A. Yes.

13 Q. Let's listen to it again. Ms. Plummer, I'm
14 about to replay for you the audio recording that is on the
15 CD rom marked as Defendant's Exhibit A for identification.
16 I'm beginning the recording now.

17 (Whereupon, recording playing.)

18 Q. So, in that recording you use the words hurt,
19 step on, push down and punch; right?

20 A. Yes.

21 Q. And then just after you say that you had said
22 what you had said was "before I hurt, step on, push down
23 and punch a black men they are first on the list"; right?

24 A. Yes.

25 Q. The black man you're referring to at that point

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1 was Counsel Member Comrie?

2 A. Did I say -- I thought I said a black man. I
3 meant --

4 Q. What you recall.

5 A. No, I wasn't talking about -- I was talking
6 about any black man. Before I hurt any black man.

7 Q. Who is the they that you're referring to?

8 A. When I relistened to it, the organizers of the
9 crack epidemic in our community.

10 Q. Well, who did you consider the organizers of the
11 crack epidemic in the community?

12 A. At that point when we began to struggle against
13 the crack epidemic in our community, there was an expose
14 from California that said the CIA along with other cartel
15 members -- drug cartel members conspired and distributed
16 crack in our community.

17 Q. Why did you make the comment to assassinate --
18 withdrawn.

19 Is that you on the recording who says "so to
20 assassinate Leroy Comrie's ass that's what I said means his
21 whole stuff, his whole run for Queens borough president,
22 his whole get the people to support him"?

23 A. Yes.

24 MR. WAREHAM: I will allow her to answer, but
25 that was asked and answered.

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1 MR. EICHENHOLTZ: I think I asked her more
2 specifically.

3 MR. WAREHAM: You said that specific quote.

4 Q. I'm sorry.

5 Are you aware that on July 23, 2003 Council
6 Member James Davis was shot dead and killed in the city
7 council chambers?

8 A. Yes.

9 Q. When did you first learn that Council Member
10 Davis had been shot?

11 A. Was it the same day? I think it was the same
12 day.

13 Q. When you say the same day, you mean the same day
14 he was shot?

15 A. The same day he was shot.

16 Q. Do you consider the killing of James Davis to be
17 an assassination?

18 A. No.

19 Q. Do you have any reason to believe one way or
20 another that members of your community learned of your
21 statement about assassinating Leroy Comrie's ass or as you
22 stated earlier your recollection political ass --

23 A. I'm sorry?

24 MR. WAREHAM: You didn't finish the question.

25 ME. EICHENHOLTZ: I will withdraw the question.

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1 Q. Do you have any reason to believe one way or the
2 other that members of your community learned of your
3 statement about assassinating Leroy Comrie's ass be it
4 political or otherwise?

5 A. Do they?

6 Q. Basically do you believe that your comments were
7 communicated to the community by the media, by any other
8 method?

9 A. I don't know how to answer that question. I
10 really don't.

11 Q. Is it confusing?

12 A. Do I -- if I could repeat it?

13 Q. Sure.

14 A. Do I believe that members of my community
15 learned that I had made that statement?

16 Q. Yes, that's the question.

17 A. Yes.

18 Q. Just another quick question about the audio
19 that's referred to as Exhibit A. Do you remember whether
20 that statement was made before you received the letter
21 suspending you from employment with the city council?

22 A. I don't remember.

23 Q. If it helps, I believe you received the
24 suspension letter on June 28th.

25 A. And the statement was made?

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1 Q. Well, that's what I'm asking you. Do you
2 remember whether it was made before that day?

3 A. I received the letter on June 28th?

4 Q. June 28th.

5 A. I don't remember. I don't remember.

6 Q. After you made the statement on May 30, 2007,
7 did you ever speak with Council Member Comrie?

8 MR. WAREHAM: Clarification, which statement?

9 MR. EICHENHOLTZ: I'm now talking about the
10 statement as Ms. Plummer calls it the statement about
11 assassinating Council Member Comrie's political ass.

12 Q. After you made that statement, did you have any
13 conversations with Council Member Comrie?

14 A. Conversations, no. But I saw him a day or two
15 later on the 18th floor. He was going to his office and I
16 was leaving mine.

17 Q. Did you talk with him at all?

18 A. I said to him Leroy and he turned and looked at
19 me and lifted his jacket up and stuck his behind out and
20 walked to his office.

21 Q. Other than that meeting, have you seen Council
22 Member Comrie at all since May 30, 2007?

23 A. Seen him? Maybe at the next stated meeting.

24 Q. When was the next stated meeting?

25 A. Was this June 9th? If I recall.

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1 Q. Did you have any communications with him?

2 A. No.

3 Q. Via phone, e-mail, anything like that?

4 A. No.

5 Q. Did you ever speak with Council Member Barron
6 about the statements about that you recall was
7 assassinating Council Member Comrie's political ass that
8 you made on May 30, 2007?

9 A. Yes.

10 Q. What conversations did you have with Council
11 Member Barron about that statement?

12 A. As I recall, after the article appeared in the
13 New York Post I believe, the councilman said this is
14 ridiculous. They knew what you meant.

15 Q. They meaning The Post?

16 A. Meaning The Post since they weren't there.

17 Q. Was there anything else discussed about the
18 comments during that conversation?

19 A. No, we've had -- you know, we've talked about
20 more than the statements, just the process by which we went
21 through to have the amendment passed. You know, the
22 councilman talked about his conversation with Councilman
23 Vann. I mean there was a lot of conversation about the
24 newspaper articles and all the rest of it.

25 Q. At any point did Council Member Barron ever

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1 state to you that he intended to give you a raise as a
2 result of the comments that were made?

3 A. No, he said he intended to give me a raise as a
4 result of the threats of firing.

5 Q. Do you recall at any point did Council Member
6 Charles Barron say to you or anyone else that he would give
7 you a raise because of the comments that were made?

8 A. Absolutely not. No, not that I -- no. Let me
9 qualify that because you also said to anyone else. Now, I
10 have no recollection of anybody else or who anybody else
11 would be or when the councilman had other kind of
12 conversations so I don't want to --

13 Q. I understand. I'm talking about in your
14 presence and to your knowledge.

15 A. Right.

16 Q. If the chief of staff of another council member
17 had made a comment about Council Member Barron where he or
18 she said I want to assassinate Council Member Barron's
19 political ass, do you believe that would be an appropriate
20 thing to say?

21 A. We're back to the word appropriate. If
22 Councilman Barron violated the very basic integrity of the
23 people that he was supposed to represent and someone would
24 inform me of that and in fact it was true, then I don't
25 think anyone should hold political office representing a

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1 constituency and be that disingenuous and that dishonest.

2 Q. Do you believe that that action justifies the
3 use of the term assassination in referring to the person?

4 MR. WAREHAM: That wasn't the quote she used.

5 ME. EICHENHOLTZ: Or assassination -- political
6 assassination if that's.

7 Q. To assassinate politically -- for someone to
8 call -- for someone to be assassinated politically.

9 A. Again, to the best of my ability to answer the
10 question as succinctly as can. We speak different
11 languages. I can't convey to you what the definition of
12 assassination would be using that. When you ask me about
13 James Davis and did I think he was assassinated, I said no
14 because I think that murder is one direct and
15 indistinguishable act, murder. Assassination as it -- as a
16 verb standing alone means one thing. Assassination as an
17 adverb meaning character, meaning political life, meaning
18 position that one holds is two different things.

19 Q. Had you ever before referring to Council Member
20 Leroy Comrie used that term assassinate previously?

21 A. No.

22 Q. Did Council Member Barron ever reprimand you for
23 the comment concerning Council Member Comrie that you made
24 on May 30, 2007?

25 A. What the councilman said to me was that I did

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1 not hear the comment because I was not there. He said if
2 you made such a comment, I know what it meant. I know it
3 did not mean to kill or murder Leroy Comrie.

4 Q. I just want to take you back to the stated
5 meeting during May 30, 2007.

6 Do you recall any other staff member of a city
7 council member yelling during that stated meeting?

8 A. I don't recall and if I did, I wouldn't snitch.

9 Q. Well, let me ask you this then -- withdrawn.

10 Did there come a time where you learned that you
11 would be suspended from employment with the city council?

12 A. Yes.

13 Q. When did you find that out?

14 A. I received a letter at my house on June 28th.

15 Q. What, if anything, did you do after you received
16 the letter?

17 A. I think I went to work.

18 Q. Did you discuss the letter with Charles Barron?

19 A. Yes.

20 Q. What was the substance of that conversation?

21 A. I received a letter from Chuck Meara that said I
22 was going to be suspended for six weeks and fired if I did
23 not sign a letter that was reminiscent of antebellum south.

24 ME. EICHENHOLTZ: I'm going to ask that this
25 two-page document be marked.

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1 (Whereupon, the above-mentioned document was
2 marked as Defendant's Exhibit B for identification.)

3 MR. EICHENHOLTZ: And I'll give a copy to Mr.
4 Wareham.

5 Q. Ms. Plummer, I'm going to hand the actual
6 marked copy of Exhibit B. If you'll just read through this
7 and let me know when you're finished.

8 (Witness complies.)

9 A. Yes.

10 Q. Is this the letter informing you of your
11 suspension that you just referred to?

12 A. Yes.

13 Q. What about this letter that is marked as
14 Defendant's Exhibit B do you find reminiscent of the
15 antebellum south?

16 A. "Not engage in disorderly or disruptive conduct
17 and committee meetings, abide by all directions of the
18 chair sergeant at arms, refrain from using threatening and
19 intimidating, harassing, obscene or abusive language."
20 Bottom paragraph "your failure to adhere to these
21 requirements or the occurrence of any other misconduct will
22 result in your immediate dismissal if you do not sign this
23 copy and agree to the terms no later than 5:00 p.m. July
24 3rd you will be intimidated".

25 Q. Terminated I believe is the word.

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1 A. What did I say?

2 Q. I believe intimidated.

3 A. You will be terminated.

4 Q. Now, turning to the second paragraph of this
5 letter on the first page that you referred to, what about
6 that paragraph is reminiscent of antebellum south?

7 A. The assumption that I disrupted stated meetings,
8 committee meetings and had not abided by the directions of
9 the chair.

10 Q. And what basis do you have to say that that
11 assumption is reminiscent of the antebellum south?

12 A. As a black employee that I had no rights under
13 any jurisdiction. For instance, whether or not someone had
14 asked me any of this or had any discussion with me about
15 that. The bottom line was Chuck Meara on behalf of the
16 council -- on behalf of the speaker wrote the letter
17 without any discussion with me.

18 Q. What is your basis for saying that the letter
19 was written without any discussion with you that the reason
20 for that was because you were a black woman?

21 A. Well, I can only respond based upon my
22 experience. As we spoke about earlier about citizenship
23 and the historical definition and my historical role in
24 this society is the basis.

25 Q. Would it be fair to say that, therefore, that's

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1 an assumption you're making based on your own experience?

2 A. Based on my own experience and also based on the
3 expansive council member, any staff -- discourteous, you
4 know how it is so expansive.

5 Q. Who, if anyone, other than your attorney did you
6 talk about concerning this letter?

7 A. When?

8 Q. When you received it.

9 A. Oh, no, they brought it to my house.

10 Q. No, I'm saying after you received it and you had
11 the letter in your possession, who did you talk about it
12 with other than your attorney and we've already discussed
13 Council Member Barron?

14 A. Council Member Barron.

15 Q. That's it?

16 A. I don't know. My daughter maybe. I don't
17 remember. I was so incensed.

18 Q. At any point did you consider signing this
19 letter?

20 A. No.

21 Q. Did you ever ask Council Member Barron his
22 opinion on whether you should sign this letter?

23 A. No, I didn't.

24 Q. We're still on obviously Exhibit B, the June
25 28th, 2007 letter. What, if anything, did you do with this

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1 letter?

2 A. What do you mean do?

3 Q. I guess let me ask you when did you last have
4 the original copy of this letter in your possession?

5 A. I don't remember when I had the original copy.
6 I know there was a -- was it the day before when there was
7 a press conference about it and I gave it to Council Member
8 Barron? Perhaps the day before, the 29th or something. I
9 don't remember the last time I had the original in my
10 possession.

11 Q. Who called the press conference about the
12 letter?

13 A. I'm sure -- who would call that? The
14 councilman.

15 Q. Did you go to the press conference?

16 A. Of course.

17 Q. Do you remember Council Member Barron doing
18 anything with the letter at the press conference?

19 A. Tearing it up.

20 Q. Do you remember what he said at the press
21 conference when he tore it up?

22 A. No.

23 MR. EICHENHOLTZ: This is going to be Exhibit C.
24 (Whereupon, a document was marked as Defendant's
25 Exhibit C for identification.)

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1 Q. Ms. Plummer, I'm going to hand you what's been
2 marked and it's a marked copy of Defendant's Exhibit C for
3 identification and I ask you to take a look at it and let
4 me know when you're ready.

5 A. Okay.

6 Q. Do you recognize this letter?

7 A. Yes.

8 Q. What is this letter?

9 A. This letter is a notice of suspension from
10 Charles Meara and it's dated July 5, 2007.

11 Q. When did you first receive this letter?

12 A. Was it the morning of the court or --

13 Q. So, the morning of I guess it would have been
14 July 6, 2007 which was the day of the court appearance?

15 A. Yes.

16 Q. Who did you talk to other than your attorney
17 about this letter?

18 A. Now, I recall we were in court on the 5th. We
19 were in court, the judge instructed this June 28th letter
20 to be in line with some specifics and it was supposed to be
21 done that afternoon and then I think it was to be presented
22 two days later. I think that's my recollection.

23 Q. But I think my question was who did you talk to
24 other than your lawyer about that July 5th letter?

25 A. Just my lawyer. I don't remember.

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1 Q. Did you ever speak with Council Member Barron
2 about the letter?

3 A. I don't remember when I got it. Corp. Council
4 said I'll bring it back that Thursday, two hours or
5 something. I'm sure. You said did I speak to the
6 councilman about it?

7 Q. Yes.

8 A. I'm sure.

9 Q. Was a press conference held concerning this July
10 5th letter?

11 A. No, was every single newspaper and television
12 and every other news entity there when we were walked out
13 of court? Yes, they were. Who called them, probably their
14 editors.

15 Q. And did you ultimately decide to sign this
16 letter?

17 A. Oh, no.

18 Q. Why did you decide not to sign the letter?

19 A. It is expansive and I never had an interview for
20 employment with either Chuck Meara on behalf of Christine
21 Quinn or with Christine Quinn. I did not accept that
22 Christine Quinn was my employer and I did not think that
23 she had any authority to suspend and/or fire me.

24 Q. Now, you called this letter expansive.

25 A. Right.

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1 Q. In what way do you consider this letter
2 expansive?

3 A. "Your disruptive actions at counsel stated
4 meetings. You may not engage in disorderly or disruptive
5 conduct at meetings. You must abide by all directions of
6 the presiding officer," as if there had ever been a time
7 in committee meetings and/or council stated meetings that
8 anything happened.

9 Q. So, I guess --

10 A. And this language towards any council member
11 staff that threatens bodily harm.

12 Q. So, let me just run through a couple of things.
13 You're saying that at no time during your employment with
14 the council did you -- at no time during your employment
15 with the council did you engage in disorderly or disruptive
16 conduct at a stated?

17 A. No, we are clear that the May 30th meeting
18 indeed I yelled out twice and called Christine Quinn a liar
19 and the other Council Member. May 30th.

20 Q. Did you consider that disorderly or disruptive?

21 A. Disruptive.

22 Q. So, I guess what you're saying is your issue
23 here is with the plural there, meetings?

24 A. Yes, that's why I said it was expansive.

25 Q. Now I understand it. Thank you. I appreciate

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1 the clarification.

2 With respect to the last sentence at any point
3 did you refrain from using -- at any point did you use the
4 language towards any council member or council staff that
5 threatened bodily harm?

6 A. No, I didn't.

7 Q. What, if anything, occurred after you did not
8 sign this letter -- withdrawn.

9 Were you ever terminated from the New York City
10 council?

11 A. Yes.

12 Q. When was that? I can show you something to
13 refresh your recollection.

14 ME. EICHENHOLTZ: Let's have this marked as
15 Exhibit D for identification.

16 (Whereupon, a document was marked as Defendant's
17 Exhibit D for identification.)

18 Q. Ms. Plummer, I'm going to hand you what's been
19 marked as Defendant's Exhibit D for identification.

20 A. Yes.

21 Q. Just take a look at it. Does that refresh your
22 recollection --

23 A. Yes.

24 Q. -- as to when you were terminated from the city
25 council?

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1 A. Yes.

2 Q. When was that?

3 A. July 9th I received this letter.

4 Q. And how did you receive this letter?

5 A. Mailed I think. Sorry, my attorney gave it to
6 me.

7 Q. After you received this letter, did you have any
8 conversations with Charles Barron about the letter?

9 A. I'm sure.

10 Q. What was the general substance of those
11 conversations?

12 A. That my position to him was and his to me that
13 Chuck Meara the chief of staff didn't terminate me. I did
14 not work for Chuck Meara and he could not terminate me.

15 Q. What did he advise you was your current
16 employment status, if any, with the city council?

17 A. That I continue to work as chief of staff for
18 Councilman Charles Barron and that Christine Quinn or Chuck
19 Meara, whomever had stopped my salary, health insurance and
20 what else? My ID card and that our discussion was it was
21 not legal.

22 Q. Did there ever come a time where you went back
23 to Council Member Barron's office?

24 A. Yes.

25 Q. And when was that?

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1 A. Every -- you know, it was July 9th, I mean.

2 Q. The first time you went to his office at 250
3 Broadway, were you required to do anything differently?

4 A. Yes, I was required to sign in and get a
5 visitors pass because my ID had been revoked.

6 Q. Now, is that currently the procedure you use
7 when you come to 250 Broadway?

8 A. Yes.

9 Q. Let me turn your attention to July 25, 2007 very
10 briefly. Was there a stated meeting of the city council
11 that day?

12 A. Yes.

13 Q. On this day, were you ever asked to leave the
14 floor of the council chamber?

15 A. Yes.

16 MR. WAREHAM: I'm objecting to this line of
17 questioning. This is passed what we're dealing with in
18 this complaint. This ends on July 9th. What relevance
19 does July 25th have?

20 MR. EICHENHOLTZ: Off the record.

21 (Discussion held off the record.)

22 Q. Are you making any claims in this lawsuit
23 concerning your July 25, 2007 removal from the floor of the
24 city council?

25 A. No.

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1 MR. EICHENHOLTZ: I'm going to have this marked
2 as E for identification.

3 (Whereupon, a document was marked as Defendant's
4 Exhibit E for identification.)

5 Q. I'm going to hand you what's been marked as
6 Defendant's Exhibit E. I'm going to ask you to look
7 through this document and as you're reading through it for
8 the purpose of keeping an eye out for anything that is
9 inaccurate or incorrect, if there is.

10 A. (Witness complies.)

11 Q. You've had a chance to look through the
12 complaint. Have you found anything in terms of the factual
13 allegations that you have in there that you believe are
14 inaccurate or incorrect in anyway?

15 A. No.

16 Q. The first claim that you're making in this
17 complaint is a claim for infringement of your first
18 amendment rights. Specifically, if I'm correct, your right
19 to free speech.

20 A. Yes.

21 Q. As I understand it, you're claiming that you
22 were suspended and then terminated because of speech that
23 you had a first amendment right to make; am I correct?

24 A. Yes.

25 Q. What speech is it that you believe you had a

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1 first amendment right to make and resulted in you being
2 fired?

3 MR. WAREHAM: This calls for a legal opinion on
4 her part, doesn't it?

5 MR. EICHENHOLTZ: I'm asking her factually what
6 speech she believes is -- I'll simplify it.

7 Q. What speech do you believe you were fired for?

8 A. According to the second letter the speech
9 calling Quinn a liar and Nelson.

10 Q. When you say Nelson, are you talking about the
11 comments that you made during Council Member Nelson's
12 speech?

13 A. Yes.

14 Q. Do you believe that your comments about Leroy
15 Comrie had anything to do with your termination?

16 A. Well, I believe the comments -- my comment made
17 about Leroy Comrie was never heard by the speaker or Chuck
18 Meara who it is Chuck Meara on behalf of the speaker who
19 fired me. The only comment that they heard was those made
20 during the stated meeting.

21 Q. Do you believe that the comments about Comrie
22 that you made about -- withdrawn.

23 Do you believe that the comments you made about
24 Council Member Comrie played a role in you being fired?

25 A. I can't answer that. I don't know what played a

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1 role. I know there's many things if you just want me to be
2 verbose.

3 Q. Why do you think you were fired?

4 A. I think -- well, first of all I don't believe
5 that Christine Quinn can fire me.

6 Q. What's the basis for that belief?

7 A. Because she did not hire me. She in no way --
8 I had absolutely no employment relationship with Christine
9 Quinn, none. She never read any of the personnel. I mean
10 she had absolutely no relationship to me. Had I been
11 interviewed or anything with Christine Quinn to work for
12 her, I would have declined.

13 Q. And --

14 A. Or Chuck Meara who is her chief.

15 Q. Just going back to my earlier question, because
16 I think I interrupted as you were giving your answer. What
17 were the reasons that you think you were fired?

18 A. Let me be frank, I think that I am a sacrificial
19 lamb if you will in an eventual primary for the mayoralty
20 of New York City. I think that in the past when there's
21 political ambition in a city that is as divided as New York
22 City is that if one can prove that he or she is quite
23 capable of putting perceived visible -- and I think one
24 word I heard used in one of their reports up at this black
25 people in check -- that that indeed to me is the frame work

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1 for the scapegoating, the sacrificial lamb so to speak.

2 Q. What is the basis when you say that you believe
3 that you were a sacrificial lamb? What is the basis for
4 that belief?

5 A. Other than my thinking that Christine Quinn
6 wants to be the mayor of the City of New York and wants to
7 come off very tough against black people who are up at
8 this?

9 Q. I understand that's basically the theory that
10 you have in your mind.

11 A. That's my belief. You asked me what did I
12 believe.

13 Q. Exactly, and now what I'm asking you is slightly
14 different, the basis for that belief. What facts do you
15 have to support that belief?

16 A. I don't know if every belief is based on a
17 concrete fact, but implied political tactics. For
18 instance, if there is on the national level a belief that
19 to vote against war or to not give more money for a war
20 that you would be seen as being soft on terrorism. Now,
21 are there any facts? No. To establish yourself in a city
22 as divided as New York City as being very tough on that
23 group or those people who most of the people in this city
24 would like to keep in check, most of the dominant group in
25 this city, let me be clear that would -- that should be

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1 kept in check then that's what you promote. That is my
2 believe.

3 Q. So, if I understand this correctly, your belief
4 that you're a sacrificial lamb is based on the political
5 image that firing you has conveyed?

6 A. Yes.

7 Q. That's accurate?

8 A. Yes.

9 Q. In your complaint you also mention racial
10 discrimination, that you believe that council -- Speaker
11 Quinn took the action she took against you because of your
12 race.

13 A. Yes.

14 Q. What is your basis for saying that?

15 A. It goes back to the first question that you
16 asked me. The idea of the subjugation of black people in
17 this city to show that you are powerful, to show that you
18 are strong against crime is based on race, purely race.

19 Q. Well, and let me see if I understand you
20 correctly and if not please tell me and you can clarify.
21 You're saying that -- sort of what you're saying is that
22 your belief that you were discriminated against because of
23 your race is sort of hand in hand with what you were saying
24 earlier about the basis for that claim is the perception
25 that your termination created, that's why you're saying it

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1 was your race? I'm probably confusing myself.

2 A. Yes, yes.

3 Q. As I understand it what you're saying is that
4 the basis of your belief that this is race discrimination
5 comes because of the political image of firing an African
6 American person conveys?

7 A. In part but just based on the historical
8 existence of race in New York City. Based on its covert
9 and overt expressions. You know?

10 Q. Let me ask you this, then, is there anything
11 specific to your situation here to your specific
12 termination that you believe suggests there's race
13 discrimination at work here?

14 A. In addition to what I said, because it has never
15 happened in the history of the New York City council.

16 Q. Is there anything else that you can think of
17 specific to your case that would lead you to believe it's
18 race discrimination that led to your --

19 A. Other than I'm black and not white?

20 Q. And Christine Quinn is white.

21 A. Right.

22 Q. Nothing other than what you previously said and
23 your race and Christine Quinn's race?

24 A. Yes.

25 Q. Have you been damaged by the events that you

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1 complain of in this case -- withdrawn.

2 Let me start by asking you this, as I understand
3 if it's correct you are not making claims in this case for
4 emotional damages; is that correct?

5 MR. WAREHAM: That is correct.

6 ME. EICHENHOLTZ: Counsel has said that that's
7 correct. I'm limiting this to damages other than emotional
8 damages.

9 Q. How do you believe you've been damaged by the
10 events that you complain of? How do you think you've been
11 damaged by the events described in your complaint?

12 A. I'm not getting paid. I don't know whether it's
13 emotional or not, but I attempted to use the Transit card
14 and it had been invalidated and, you know, the token booth
15 person and a policeman is standing there and it was where
16 did you get this, you gotta see an agent. I was like --
17 you know, it was kind of an unusual way in which people are
18 treated. I'm prevented from carrying out, you know, some
19 very specific issues that the councilman wanted to happen
20 around health care in the 42nd councilman district. That's
21 because if I come into 250 and Ms. Cooke isn't there --
22 like she wasn't before, she had stepped out for a while,
23 the sergeant at arms at the desk when they call up and no
24 one is there, then you can't go upstairs. It's just
25 absurd.

V. Plummer

79

1 Q. Let me ask you about not getting paid for a
2 minute. Have you been getting paid at all -- I understand.

3 You haven't been getting paid by the city
4 council; right?

5 A. Right.

6 Q. Have you been getting paid at all for your work
7 for Council Member Barron?

8 A. No.

9 Q. Council Member Barron has made public statements
10 that he would perhaps give you part of his salary. Has he
11 done that?

12 A. No.

13 Q. Has he made any statements to you that would
14 indicate he's intending to do that?

15 A. No, not really. I don't think so.

16 Q. Have you been looking for other jobs since?

17 A. No, this is illegal. No, I have not.

18 Q. You haven't sought any employment since your
19 termination from the city council?

20 A. Sought employment?

21 Q. Yes.

22 A. No.

23 Q. Did you file an application for unemployment
24 insurance?

25 A. No.

V. Plummer

80

1 Q. You've been volunteering for Council Member
2 Barron?

3 A. Yes.

4 MR. EICHENHOLTZ: I have no further questions at
5 this time. So, unless you have any questions, we'll
6 adjourn the deposition.

7 EXAMINATION BY

8 MR. WAREHAM:

9 Q. The only question I might have is did you also
10 lose any benefits when you said they suspended your pay?
11 Did they also suspend your health benefits?

12 A. Health and dental, yes.

13 Q. Prior to your receiving the June 28th letter
14 around your suspension, was it your understanding that the
15 Leroy Comrie comment was the basis of the council speaker
16 Quinn's contradiction with you?

17 A. Prior to the 28th letter?

18 Q. The June 28th letter.

19 A. I had no -- no, I didn't know anything about
20 Christine Quinn.

21 MR. WAREHAM: I have no further questions.

22 MR. EICHENHOLTZ: I just have one quick follow
23 up.

24

25

V. Plummer

81

1 EXAMINATION BY

2 MR. EICHENHOLTZ:

3 Q. You mentioned your health and dental benefits
4 were suspended. Did you receive a notice about Cobra
5 benefits?

6 A. Yes.

7 Q. Did you apply for Cobra benefits?

8 A. I got the letter Monday and so I just wanted to
9 read it because when I called they said something about
10 \$1800 you have to pay, so you know I'll read -- because
11 it's like -- so I'll read what it says and see, but if I
12 have to pay \$1800 I don't have that.

13 Q. So, you probably wouldn't do it if you have to
14 pay \$1800?

15 A. No.

16 ME. EICHENHOLTZ: No further questions.

17 (Time Noted: 3:30 p.m.)

18 _____ (Signature

19 of witness) _____

20 Subscribed and sworn to

21 before me this _____

22 day of _____

23 2007.

24

25

CERTIFICATION BY REPORTER

I, Edith Tirado-Plaza, a Notary Public of the State of New York, do hereby certify:

That the testimony in the within proceeding was held before me at the aforesaid time and place;

That said witness was duly sworn before the commencement of the testimony, and that the testimony was taken stenographically by me, then transcribed under my supervision, and that the within transcript is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, that I am not interested directly or indirectly in that matter in controversy, nor am I in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand
this day of 2007.

Edith Tirado Plaza

I N D E X

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1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF)

4

5 I wish to make the following changes, for
6 the following reason:

7

8 PAGE LINE

9 _____ CHANGE _____

10 _____ REASON _____

11 _____ CHANGE _____

12 _____ REASON _____

13 _____ CHANGE _____

14 _____ REASON _____

15 _____ CHANGE _____

16 _____ REASON _____

17 _____ CHANGE _____

18 _____ REASON _____

19 _____ CHANGE _____

20 _____ REASON _____

21

(WITNESS)

22

23 Subscribed and sworn to before me

24 this _____ day of _____, 200__.

25

(NOTARY PUBLIC)